

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5 and by adding Section 4.5 as follows:

6 (20 ILCS 2630/4.5 new)

7 Sec. 4.5. Ethnic and racial data collection.

8 (a) Ethnic and racial data for every adult or juvenile  
9 arrested shall be collected at the following points of contact  
10 by the entity identified in this subsection or another entity  
11 authorized and qualified to collect and report on this data:

12 (1) at arrest or booking, by the supervising law  
13 enforcement agency;

14 (2) upon admittance to the Department of Corrections,  
15 by the Department of Corrections;

16 (3) upon admittance to the Department of Juvenile  
17 Justice, by the Department of Juvenile Justice; and

18 (3) upon transfer from the Department of Juvenile  
19 Justice to the Department of Corrections, by the Department  
20 of Juvenile Justice.

21  
22 (b) Ethnic and racial data shall be collected through  
23 selection of one of the following categories:

1           (1) American Indian or Alaskan Native;

2           (2) Asian or Pacific Islander;

3           (3) Black or African American;

4           (4) White or Caucasian;

5           (5) Hispanic or Latino; or

6           (6) Unknown.

7           (c) The collecting entity shall make a good-faith effort to  
8 collect race and ethnicity information as self-reported by the  
9 adult or juvenile. If the adult or juvenile is unable or  
10 unwilling to provide race and ethnicity information, the  
11 collecting entity shall make a good-faith effort to deduce the  
12 race and ethnicity of the adult or juvenile.

13           (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

14           Sec. 5. Arrest reports. All policing bodies of this State  
15 shall furnish to the Department, daily, in the form and detail  
16 the Department requires, fingerprints, ~~and~~ descriptions, and  
17 ethnic and racial background data as provided in Section 4.5 of  
18 this Act of all persons who are arrested on charges of  
19 violating any penal statute of this State for offenses that are  
20 classified as felonies and Class A or B misdemeanors and of all  
21 minors of the age of 10 and over who have been arrested for an  
22 offense which would be a felony if committed by an adult, and  
23 may forward such fingerprints and descriptions for minors  
24 arrested for Class A or B misdemeanors. Moving or nonmoving  
25 traffic violations under the Illinois Vehicle Code shall not be

1 reported except for violations of Chapter 4, Section 11-204.1,  
2 or Section 11-501 of that Code. In addition, conservation  
3 offenses, as defined in the Supreme Court Rule 501(c), that are  
4 classified as Class B misdemeanors shall not be reported. Those  
5 law enforcement records maintained by the Department for minors  
6 arrested for an offense prior to their 17th birthday, or minors  
7 arrested for a non-felony offense, if committed by an adult,  
8 prior to their 18th birthday, shall not be forwarded to the  
9 Federal Bureau of Investigation unless those records relate to  
10 an arrest in which a minor was charged as an adult under any of  
11 the transfer provisions of the Juvenile Court Act of 1987.

12 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;  
13 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.  
14 7-2-10.)

15 Section 10. The Illinois Uniform Conviction Information  
16 Act is amended by changing Section 3 as follows:

17 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

18 Sec. 3. Definitions. Whenever used in this Act, and for the  
19 purposes of this Act, unless the context clearly indicates  
20 otherwise:

21 (A) "Accurate" means factually correct, containing no  
22 mistake or error of a material nature.

23 (B) The phrase "administer the criminal laws" includes any  
24 of the following activities: intelligence gathering,

1 surveillance, criminal investigation, crime detection and  
2 prevention (including research), apprehension, detention,  
3 pretrial or post-trial release, prosecution, the correctional  
4 supervision or rehabilitation of accused persons or criminal  
5 offenders, criminal identification activities, or the  
6 collection, maintenance or dissemination of criminal history  
7 record information.

8 (C) "The Authority" means the Illinois Criminal Justice  
9 Information Authority.

10 (D) "Automated" means the utilization of computers,  
11 telecommunication lines, or other automatic data processing  
12 equipment for data collection or storage, analysis,  
13 processing, preservation, maintenance, dissemination, or  
14 display and is distinguished from a system in which such  
15 activities are performed manually.

16 (E) "Complete" means accurately reflecting all the  
17 criminal history record information about an individual that is  
18 required to be reported to the Department pursuant to Section  
19 2.1 of the Criminal Identification Act.

20 (F) "Conviction information" means data reflecting a  
21 judgment of guilt or nolo contendere. The term includes all  
22 prior and subsequent criminal history events directly relating  
23 to such judgments, such as, but not limited to: (1) the  
24 notation of arrest; (2) the notation of charges filed; (3) the  
25 sentence imposed; (4) the fine imposed; and (5) all related  
26 probation, parole, and release information. Information ceases

1 to be "conviction information" when a judgment of guilt is  
2 reversed or vacated.

3 For purposes of this Act, continuances to a date certain in  
4 furtherance of an order of supervision granted under Section  
5 5-6-1 of the Unified Code of Corrections or an order of  
6 probation granted under either Section 10 of the Cannabis  
7 Control Act, Section 410 of the Illinois Controlled Substances  
8 Act, Section 70 of the Methamphetamine Control and Community  
9 Protection Act, Section 12-4.3 or subdivision (b)(1) of Section  
10 12-3.05 of the Criminal Code of 1961 or the Criminal Code of  
11 2012, Section 10-102 of the Illinois Alcoholism and Other Drug  
12 Dependency Act, Section 40-10 of the Alcoholism and Other Drug  
13 Abuse and Dependency Act, or Section 10 of the Steroid Control  
14 Act shall not be deemed "conviction information".

15 (G) "Criminal history record information" means data  
16 identifiable to an individual, including information collected  
17 under Section 4.5 of the Criminal Identification Act, and  
18 consisting of descriptions or notations of arrests,  
19 detentions, indictments, informations, pretrial proceedings,  
20 trials, or other formal events in the criminal justice system  
21 or descriptions or notations of criminal charges (including  
22 criminal violations of local municipal ordinances) and the  
23 nature of any disposition arising therefrom, including  
24 sentencing, court or correctional supervision, rehabilitation  
25 and release. The term does not apply to statistical records and  
26 reports in which individual are not identified and from which

1 their identities are not ascertainable, or to information that  
2 is for criminal investigative or intelligence purposes.

3 (H) "Criminal justice agency" means (1) a government agency  
4 or any subunit thereof which is authorized to administer the  
5 criminal laws and which allocates a substantial part of its  
6 annual budget for that purpose, or (2) an agency supported by  
7 public funds which is authorized as its principal function to  
8 administer the criminal laws and which is officially designated  
9 by the Department as a criminal justice agency for purposes of  
10 this Act.

11 (I) "The Department" means the Illinois Department of State  
12 Police.

13 (J) "Director" means the Director of the Illinois  
14 Department of State Police.

15 (K) "Disseminate" means to disclose or transmit conviction  
16 information in any form, oral, written, or otherwise.

17 (L) "Exigency" means pending danger or the threat of  
18 pending danger to an individual or property.

19 (M) "Non-criminal justice agency" means a State agency,  
20 Federal agency, or unit of local government that is not a  
21 criminal justice agency. The term does not refer to private  
22 individuals, corporations, or non-governmental agencies or  
23 organizations.

24 (M-5) "Request" means the submission to the Department, in  
25 the form and manner required, the necessary data elements or  
26 fingerprints, or both, to allow the Department to initiate a

1 search of its criminal history record information files.

2 (N) "Requester" means any private individual, corporation,  
3 organization, employer, employment agency, labor organization,  
4 or non-criminal justice agency that has made a request pursuant  
5 to this Act to obtain conviction information maintained in the  
6 files of the Department of State Police regarding a particular  
7 individual.

8 (O) "Statistical information" means data from which the  
9 identity of an individual cannot be ascertained,  
10 reconstructed, or verified and to which the identity of an  
11 individual cannot be linked by the recipient of the  
12 information.

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 Section 15. The Illinois Criminal Justice Information Act  
15 is amended by changing Section 3 as follows:

16 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

17 Sec. 3. Definitions. Whenever used in this Act, and for the  
18 purposes of this Act unless the context clearly denotes  
19 otherwise:

20 (a) The term "criminal justice system" includes all  
21 activities by public agencies pertaining to the prevention or  
22 reduction of crime or enforcement of the criminal law, and  
23 particularly, but without limitation, the prevention,  
24 detection, and investigation of crime; the apprehension of

1 offenders; the protection of victims and witnesses; the  
2 administration of juvenile justice; the prosecution and  
3 defense of criminal cases; the trial, conviction, and  
4 sentencing of offenders; as well as the correction and  
5 rehabilitation of offenders, which includes imprisonment,  
6 probation, parole and treatment.

7 (b) The term "Authority" means the Illinois Criminal  
8 Justice Information Authority created by this Act.

9 (c) The term "criminal justice information" means any and  
10 every type of information that is collected, transmitted, or  
11 maintained by the criminal justice system.

12 (d) The term "criminal history record information" means  
13 data identifiable to an individual, including information  
14 collected under Section 4.5 of the Criminal Identification Act,  
15 and consisting of descriptions or notations of arrests,  
16 detentions, indictments, informations, pre-trial proceedings,  
17 trials, or other formal events in the criminal justice system  
18 or descriptions or notations of criminal charges (including  
19 criminal violations of local municipal ordinances) and the  
20 nature of any disposition arising therefrom, including  
21 sentencing, court or correctional supervision, rehabilitation,  
22 and release. The term does not apply to statistical records and  
23 reports in which individuals are not identified and from which  
24 their identities are not ascertainable, or to information that  
25 is for criminal investigative or intelligence purposes.

26 (e) The term "unit of general local government" means any

1 county, municipality or other general purpose political  
2 subdivision of this State.

3 (Source: P.A. 85-653.)

4 Section 20. The Unified Code of Corrections is amended by  
5 changing Sections 3-2.5-15, 3-5-1, and 3-5-3 as follows:

6 (730 ILCS 5/3-2.5-15)

7 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
8 of duties of the Juvenile Division.

9 (a) The Department of Juvenile Justice shall assume the  
10 rights, powers, duties, and responsibilities of the Juvenile  
11 Division of the Department of Corrections. Personnel, books,  
12 records, property, and unencumbered appropriations pertaining  
13 to the Juvenile Division of the Department of Corrections shall  
14 be transferred to the Department of Juvenile Justice on the  
15 effective date of this amendatory Act of the 94th General  
16 Assembly. Any rights of employees or the State under the  
17 Personnel Code or any other contract or plan shall be  
18 unaffected by this transfer.

19 (b) Department of Juvenile Justice personnel who are hired  
20 by the Department on or after the effective date of this  
21 amendatory Act of the 94th General Assembly and who participate  
22 or assist in the rehabilitative and vocational training of  
23 delinquent youths, supervise the daily activities involving  
24 direct and continuing responsibility for the youth's security,

1 welfare and development, or participate in the personal  
2 rehabilitation of delinquent youth by training, supervising,  
3 and assisting lower level personnel who perform these duties  
4 must be over the age of 21 and have a bachelor's or advanced  
5 degree from an accredited college or university with a  
6 specialization in criminal justice, education, psychology,  
7 social work, or a closely related social science. This  
8 requirement shall not apply to security, clerical, food  
9 service, and maintenance staff that do not have direct and  
10 regular contact with youth. The degree requirements specified  
11 in this subsection (b) are not required of persons who provide  
12 vocational training and who have adequate knowledge in the  
13 skill for which they are providing the vocational training.

14 (c) Subsection (b) of this Section does not apply to  
15 personnel transferred to the Department of Juvenile Justice on  
16 the effective date of this amendatory Act of the 94th General  
17 Assembly.

18 (d) The Department shall be under the direction of the  
19 Director of Juvenile Justice as provided in this Code.

20 (e) The Director shall organize divisions within the  
21 Department and shall assign functions, powers, duties, and  
22 personnel as required by law. The Director may create other  
23 divisions and may assign other functions, powers, duties, and  
24 personnel as may be necessary or desirable to carry out the  
25 functions and responsibilities vested by law in the Department.  
26 The Director may, with the approval of the Office of the

1 Governor, assign to and share functions, powers, duties, and  
2 personnel with other State agencies such that administrative  
3 services and administrative facilities are provided by a shared  
4 administrative service center. Where possible, shared services  
5 which impact youth should be done with child-serving agencies.  
6 These administrative services may include, but are not limited  
7 to, all of the following functions: budgeting, accounting  
8 related functions, auditing, human resources, legal,  
9 procurement, training, data collection and analysis,  
10 information technology, internal investigations, intelligence,  
11 legislative services, emergency response capability, statewide  
12 transportation services, and general office support.

13 (f) The Department of Juvenile Justice may enter into  
14 intergovernmental cooperation agreements under which minors  
15 adjudicated delinquent and committed to the Department of  
16 Juvenile Justice may participate in county juvenile impact  
17 incarceration programs established under Section 3-6039 of the  
18 Counties Code.

19 (g) The Department of Juvenile Justice must comply with the  
20 ethnic and racial background data collection procedures  
21 provided in Section 4.5 of the Criminal Identification Act.

22 (Source: P.A. 96-1022, eff. 1-1-11.)

23 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)  
24 Sec. 3-5-1. Master Record File.

25 (a) The Department of Corrections and the Department of

1 Juvenile Justice shall maintain a master record file on each  
2 person committed to it, which shall contain the following  
3 information:

4 (1) all information from the committing court;

5 (1.5) ethnic and racial background data collected in  
6 accordance with Section 4.5 of the Criminal Identification  
7 Act;

8 (2) reception summary;

9 (3) evaluation and assignment reports and  
10 recommendations;

11 (4) reports as to program assignment and progress;

12 (5) reports of disciplinary infractions and  
13 disposition, including tickets and Administrative Review  
14 Board action;

15 (6) any parole plan;

16 (7) any parole reports;

17 (8) the date and circumstances of final discharge;

18 (9) criminal history;

19 (10) current and past gang affiliations and ranks;

20 (11) information regarding associations and family  
21 relationships;

22 (12) any grievances filed and responses to those  
23 grievances; and

24 (13) other information that the respective Department  
25 determines is relevant to the secure confinement and  
26 rehabilitation of the committed person.

1           (b) All files shall be confidential and access shall be  
2 limited to authorized personnel of the respective Department.  
3 Personnel of other correctional, welfare or law enforcement  
4 agencies may have access to files under rules and regulations  
5 of the respective Department. The respective Department shall  
6 keep a record of all outside personnel who have access to  
7 files, the files reviewed, any file material copied, and the  
8 purpose of access. If the respective Department or the Prisoner  
9 Review Board makes a determination under this Code which  
10 affects the length of the period of confinement or commitment,  
11 the committed person and his counsel shall be advised of  
12 factual information relied upon by the respective Department or  
13 Board to make the determination, provided that the Department  
14 or Board shall not be required to advise a person committed to  
15 the Department of Juvenile Justice any such information which  
16 in the opinion of the Department of Juvenile Justice or Board  
17 would be detrimental to his treatment or rehabilitation.

18           (c) The master file shall be maintained at a place  
19 convenient to its use by personnel of the respective Department  
20 in charge of the person. When custody of a person is  
21 transferred from the Department to another department or  
22 agency, a summary of the file shall be forwarded to the  
23 receiving agency with such other information required by law or  
24 requested by the agency under rules and regulations of the  
25 respective Department.

26           (d) The master file of a person no longer in the custody of

1 the respective Department shall be placed on inactive status  
2 and its use shall be restricted subject to rules and  
3 regulations of the Department.

4 (e) All public agencies may make available to the  
5 respective Department on request any factual data not otherwise  
6 privileged as a matter of law in their possession in respect to  
7 individuals committed to the respective Department.

8 (Source: P.A. 97-696, eff. 6-22-12.)

9 (730 ILCS 5/3-5-3) (from Ch. 38, par. 1003-5-3)

10 Sec. 3-5-3. Annual and other Reports.

11 (a) The Director shall make an annual report to the  
12 Governor and General Assembly concerning persons committed to  
13 the Department, its institutions, facilities and programs, of  
14 all moneys expended and received, and on what accounts expended  
15 and received. The report shall include the ethnic and racial  
16 background data, not identifiable to an individual, of all  
17 persons committed to the Department, its institutions,  
18 facilities, and programs.

19 (b) (Blank).

20 (c) The Director may require such reports from division  
21 administrators, chief administrative officers and other  
22 personnel as he deems necessary for the administration of the  
23 Department.

24 (d) (Blank).

25 (Source: P.A. 97-800, eff. 7-13-12.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2015.